

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AQUA-ASTON HOSPITALITY, LLC d/b/a
ASTON WAIKIKI BEACH HOTEL AND
HOTEL RENEW,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

No. 17-1117, 17-1118,
17-1180

**AQUA-ASTON HOSPITALITY, LLC’S UNOPPOSED MOTION TO
EXTEND TIME TO FILE BRIEFS AND DEFERRED APPENDIX**

**TO THE HONORABLE, THE JUDGES OF THE UNITED STATES
COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT:**

Petitioner AQUA-ASTON HOSPITALITY, LLC d/b/a ASTON WAIKIKI BEACH HOTEL AND HOTEL RENEW (“Aqua-Aston Hospitality”), through its undersigned legal counsel, moves pursuant to Rule 28(e) of the Circuit Court’s Rules for a fourteen (14) day extension of time to file the briefs and deferred appendix in this matter. In support of this Motion, Aqua-Aston Hospitality shows as follows:

1. On July 14, 2017, this Court issued its Order granting the National Labor Relations Board's ("NLRB") Motion to Consolidate the above-referenced appeals.

2. On July 14, 2017, the Court issued the following briefing schedule for the consolidated appeals:

Petitioner's Brief August 23, 2017

Respondent's Brief September 22, 2017

Petitioner's Reply Brief October 6, 2017

Deferred Appendix October 13, 2017

Final Briefs October 27, 2017

3. On July 20, 2017, Aqua-Aston Hospitality filed an Unopposed Motion to Extend Time to File Briefs and Deferred Appendix ("July 20th Motion").

4. On July 24, 2017, the Court issued an Order granting the July 20th Motion. That Order contains the following briefing schedule for the consolidated appeals:

Petitioner's Brief October 23, 2017

Respondent's Brief November 22, 2017

Petitioner's Reply Brief December 6, 2017

Deferred Appendix December 13, 2017

Final Briefs December 27, 2017

5. On September 22, 2017, Aqua-Aston Hospitality filed an Unopposed Motion to Extend Time to File Briefs and Deferred Appendix (“September 22nd Motion”).

6. On September 25, 2017, the Court issued an Order granting the September 22nd Motion. That Order contains the following briefing schedule for the consolidated appeals:

Petitioner’s Brief November 22, 2017

Respondent’s Brief December 22, 2017

Petitioner’s Reply Brief January 5, 2018

Deferred Appendix January 12, 2018

Final Briefs January 26, 2018

7. On November 6, 2017, Aqua-Aston Hospitality filed an Unopposed Motion to Extend Time to File Briefs and Deferred Appendix (“November 6th Motion”).

8. On November 8, 2017, the Court issued an Order granting the November 6th Motion. That Order contains the following briefing schedule for the consolidated appeals:

Petitioner’s Brief January 8, 2018

Respondent’s Brief February 7, 2018

Petitioner’s Reply Brief February 21, 2018

Deferred Appendix

February 28, 2018

Final Briefs

March 14, 2018

9. On January 22, 2018, the NLRB filed an Unopposed Motion for a 7-Day Extension of Time to File Its Brief (“January 22nd Motion”).

10. On January 23, 2018, the Court issued an Order granting the January 22nd Motion. That Order contains the following briefing schedule for the consolidated appeals:

Respondent’s Brief

February 14, 2018

Petitioner’s Reply Brief

February 28, 2018

Deferred Appendix

March 7, 2018

Final Briefs

March 21, 2018

11. The consolidated appeals were admitted to the Court’s Mediation Program, and the parties have recently re-engaged in good-faith mediation with the Court’s appointed mediators.

8. Oral argument has not been scheduled at this time.

9. This extension of time requested for the briefing schedule is to accommodate the renewed mediation effort. The extension of time will promote judicial economy if the mediation effort is successful by avoiding the necessity for a full appeal process.

10. Aqua-Aston Hospitality’s counsel has discussed the present time

extension request with NLRB attorney David Casserly, Esq. and the Court appointed Mediators, all of whom have no objection to the requested extension of time for the briefing schedule.

WHEREFORE, Petitioner Aqua-Aston Hospitality, LLC respectfully requests that the Court grant its motion to extend the briefing schedule and the filing of the Deferred Appendix for the above-referenced consolidated appeals.

Dated: February 15, 2018

Respectfully submitted,

/s/ Christine K. D. Belcaid

ROBERT S. KATZ (Hawaii SBN 712 &
DC Circuit Court Number 55518)

CHRISTINE K. D. BELCAID (Hawaii
SBN 10125 and DC Circuit Number
60796)

TORKILDSON, KATZ,
HETHERINGTON, HARRIS &
KNOREK

700 Bishop Street, 15th Floor
Honolulu, HI 96813-4187

Telephone: (808) 523-6000

Facsimile: (808) 523-6001

rsk@torkildson.com

Attorneys for Petitioner
AQUA-ASTON HOSPITALITY, LLC,
d/b/a ASTON WAIKIKI BEACH
HOTEL AND HOTEL RENEW

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 15, 2018 I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the CM/ECF system. I certify that the foregoing document will be served via the CM/ECF system on all counsel, who are registered CM/ECF users.

Linda Dreeben

Deputy Associate General Counsel

Kira Dellinger Vol

Supervisory Attorney

David Casserly

Attorney

Appellate and Supreme Court Litigation

National Labor Relations Board

1015 Half Street NE

Washington, D.C. 20570-0001

appellatecourt@nlrb.gov

Kira.Vol@nlrb.gov

David.Casserly@nlrb.gov

DATED: Honolulu, Hawai'i, February 15, 2018.

TORKILDSON, KATZ,
HETHERINGTON, HARRIS & KNOREK
Attorneys at Law, A Law Corporation

/s/ Christine K. D. Belcaid

ROBERT S. KATZ (Hawaii SBN 712 &
DC Circuit Court Number 55518)

CHRISTINE K. D. BELCAID (Hawaii
SBN 10125 and DC Circuit Number
60796)

Attorneys for Petitioner
AQUA-ASTON HOSPITALITY, LLC,
d/b/a ASTON WAIKIKI BEACH HOTEL
AND HOTEL RENEW